

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-00-16
	§	CIVIL ACTION NO. G-05-102
MARK DAVID WARREN	§	

OPINION AND ORDER


Before the Court is a Report and Recommendation from the United States Magistrate Judge which recommends that the “ Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence” filed by Mark David Warren, be dismissed as time-barred or, alternatively, dismissed on the merits. Warren filed lengthy objections to the Report and Recommendation which this Court has carefully considered.

Upon *de novo* review, under 28 U.S.C. §636(b)(1)(C), this Court finds that the Report and Recommendation of the Magistrate Judge is a well reasoned and correct application of law to Warren’ s § 2255 Petition. The Court further finds that Warren’ s objections are without merit. The Court, therefore, **ACCEPTS** the Report and Recommendation of the Magistrate Judge in its entirety and incorporates it herein by reference.

It is, therefore, the **ORDER** of this Court that the “ Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence” (Instrument no. 71) of Mark David Warren is **DISMISSED as time-barred.**

In the alternative, it is further **ORDERED** that the “ Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence” (Instrument no. 71) of Mark David Warren is **DISMISSED on the merits.**

DONE at Galveston, Texas, this 9th day of December, 2005.



Samuel B. Kent
United States District Judge